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This is in response to the Office Action dated January 28, 2004.

Per the above amendment, claims 1 and 6 have been amended and Claim 2 has been canceled. Claims 1 and 3-10 therefore remain pending in the present application.

The claims were rejected under Tsuda (USP 5,933,096).

Applicants respectfully submit that when compared to Tsuda, Applicants' invention, per set forth in independent Claims 1 and 6, is totally different in construction from Tsuda and therefore not anticipated by Tsuda. The Examiner's rejection is respectfully traversed as follows.

In Applicants' invention, as shown in Fig. 5, the vehicle sensor 11 placed at a predetermined position within the radio-communication service zone detects an incoming vehicle within the service zone (in that case, the vehicle to be detected is within the service zone). In contrast, in Tsuda, the (entry and exit) sensors 12 and 14 are placed to output signals for use of starting and ending the transmission of electromagnetic waves from the two antennae 40 and 42 (refer to col. 4, lines 46-50). Moreover, the antenna 13 of the Applicants' invention continuously transmits electromagnetic wave to cover a limited radio-communication service zone, independently of whether or not the vehicle sensor detects the vehicle (refer to the specification, page 13, lines 1-3). In the case of Tsuda, as stated above, the electromagnetic wave is made ON/OFF in a controlled manner responsive to outputs of the sensors 12 and 14 (refer to col. 4, lines 46-50). In Tsuda, the electromagnetic wave is not transmitted continuously, unlike Applicants' invention.

Furthermore, in Applicants' invention, it is decided that an incoming vehicle which passes through the limited radio-communication service zone covered by the radio signal transmitted via the antenna 13 is a non-ETC vehicle when the vehicle sensor 11 detects

the vehicle and there is no radio response to the radio signal from the vehicle (refer to the specification, page 14, lines 4-5 and 13-20). In other words, combinations of whether or not the vehicle sensor 11 within the service zone detects a vehicle and whether or not there is a radio response to the radio signal are used to distinguish non-ETC vehicles from ETC vehicles.

Thus, it is clear that Tsuda fails to disclose such a concept of using combinations of both detected results of the vehicle sensor placed within the service zone and a radio response to the radio signal continuously transmitted from the antenna independently of whether or not the vehicle sensor detects a vehicle.

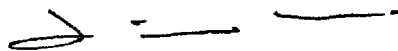
If Applicants' invention of Claims 1 and 6 were comparable to the construction of Tsuda, then there should be disclosed in Tsuda that an incoming non-ETC vehicle is in the service zone only when the entry sensor 12 detects the vehicle and there is no radio response to the radio signal from the antenna 40 (42). However, such a description does not appear in Tsuda. This clearly shows that the way in which the signals detected by the sensors 12 and 14 is used in Tsuda is totally different from that in Applicants' invention.

In Tsuda, the detected signals by the sensors 12 and 14 are used only for starting and ending the transmission of electromagnetic waves from the two antennae 40 and 42. In contrast, in Applicants' invention, the radio signal is continuously transmitted to cover the service zone, independently of whether or not the vehicle sensor detects a vehicle.

Therefore, it is respectfully submitted that, in discriminating non-ETC vehicles and ETC vehicles, Tsuda fails to disclose the configuration (or even such a concept) of using the AND conditions between information from the vehicle sensor and a radio response to the radio signal from the antenna. It is therefore firmly believed that Applicants' invention is not anticipated by Tsuda.

Insofar as the limitations of canceled claim 2 were added to claims 1 and 6, it is respectfully submitted that no new issue is raised with the above amendment. Accordingly, the examiner is respectfully requested to enter this amendment, reconsider the pending claims and pass the case to issue at an early date.

Respectfully submitted,



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